IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

RP.No. 241 of 2007(C)

AGAINST THE JUDGEMENT IN WPC.11366/2006 Dated 25/07/2006

REVIEW PETITIONER:

E.S.ABDUL SATHAR, S/O. P. SAIDU MUHAMMED, EMBASSERIL HOUSE, POST PATTIMATTOM, ERNAKULAM DISTRICT.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:

1. K.K. SURESH, S/O. K.K. KURUP, KALARIKAL HOUSE, POST PATTIMATTOM, ERNAKULAM DISTRICT.

2. KERALA FINANCIAL CORPORATION, REP. BY ITS MANAGING DIRECTOR, VELLAYAMBALAM, TRIVANDRUM.

3. DISTRICT MANAGER, KFC, PERUMBAVOOR.

4. BRANCH MANAGER, KFC, PERUMBAVOOR.

BY ADV. SRI.P.PARAMESWARAN NAIR, SC, KFC
SRI.P.VIJAYAKUMAR

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

S. Siri Jagan, J.

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R.P. No. 241 of 2007

in

W.P(C) No. 11366 of 2006

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Dated this, the 28th February, 2007.

J U D G M E N T

This review petition is directed against my judgment dated 25-7-2006 in W.P(C) no. 11366/2006. Paragraph 2 of the judgment begins with the following sentences:

> "2. Initially the parties were adamant on thrashing out the issue on merits. However, after some persuasion from the court the parties agreed for a compromise formula as suggested by this Court. In accordance with the consensus so reached, I dispose of this writ petition on the following terms."

That would show that the judgment was passed on a consensus among the parties to the writ petition. Therefore, unless the petitioner in the review petition categorically states that he had not agreed to the compromise as suggested by this Court, there cannot be any right on him to file this review petition against the judgment passed in terms of the agreement. The petitioner has no case that he has not agreed to the compromise formula suggested by this Court . That being so, I do not think that I can validly review my judgment in so far as the judgment has been rendered on the basis of an agreement among the parties to the writ petition. Therefore, I do not find any merit in the review petition and accordingly, the same is dismissed.

Sd/- S. Siri Jagan, Judge.

Tds/

[True copy]

P.S to Judge.